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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,596	04/27/1999	TONG HYONG LEE	0630-0913P	3472
2292	7590	09/29/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/299,596	Applicant(s) LEE, TONG HYONG	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed 18 August 2004.

Status of Claims

2. Claims 1-2 have been cancelled. Claims 3-21, 23-24 and 26-32 have been amended. Claims 22, 25 and 33 have been left as originally filed. Therefore claims 3-33 are under prosecution in this application.

Response to Amendment

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

4. Applicant's arguments filed 18 August 2004 have been fully considered but they are not persuasive and are discussed in the next section below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 3-4, 7, 9-14, 16-22 and 26 were rejected under 35 U.S.C. 102(e) as being anticipated by Takami et al. (hereinafter Takami) U.S. Patent 6,536,661 as stated in the previous office action, mailed 20 May 2004.

7. Claim 9 was improperly rejected under 35 U.S.C. 102(e) because of its dependency upon claim 8. Therefore claims 3-4, 7, 10-14, 16-22 and 26 stand rejected under 35 U.S.C. 102(e) as being anticipated by Takami et al. (hereinafter Takami).

8. Regarding independent claims, 3, 10, and 16, Applicant asserts that Takami neither discloses nor suggests any device for “determining whether the received signal corresponds to general information or a balance storing information.” The Examiner respectfully disagrees. First and foremost the claim recites that the received signal corresponds to “general information or a balance storing sting.” Therefore only one need be present in the teachings of Takami. Takami discloses a radio transmitter and receiver to encode and decode electronic information

(column 11, lines 59-67). Electronic information is a form of general information. Continuing, not only does Takami teach the signal corresponding to general information, but also to balance storing information. Takami discloses that the transmitted signal contains electronic money information (column 12, lines 1-5). Further, Takami discloses that electronic money information includes outputs such as balance (column 7, lines 4-18).

Applicant also contests that Takami fails to disclose comparing a serial number extracted from the received signal with a previously stored serial number if it is determined that the received signal corresponds to balance storing information. If it was determined that the received signal corresponds to general information rather than balance storing information then the recited limitation of comparing serial numbers is obsolete and therefore not even necessary in the teachings of Takami. The statement “if it is determined that the received signal corresponds to balance storing information” is a conditional statement and it is therefore confusing to what happens if the received signal received is general information rather than balance storing information. Therefore the claim is examined on the principle that if it is determined to be general information, then the step of “comparing a serial number...” need not be taught by Takami.

The Examiner believes that the above is sufficient to illustrate the teachings of Takami, however Examiner also asserts that Takami does teach comparing a serial number extracted from the received signal with a previously stored serial number if it is determined that the received signal corresponds to balance storing information. The Examiner above recites the manner in which Takami receives a signal corresponding to balance storing information. Takami discloses comparing card ID extracted from the signal with a stored card ID for electronic information sent

by the radio transmitter (column 12, lines 15-42). The Examiner would like to remind Applicant that claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim must be given their plain meaning unless applicant has provided clear definition in the specification *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

9. Regarding claims 4 and 11, Applicant's remarks state that Takami fails to disclose a computation logic block id designed so that a certain amount of data is stored in the memory block only when first and second balance storing information are received from the radio signal block. The Examiner disagrees, Takami teaches two IDs coincide in order for electronic money information to be transferred and stored (column 12, lines 32-42).

10. Regarding claim 7, the Examiner details above the manner in which Takami teaches a signal corresponding to balance information. Takami teaches a unit for storing balance storing data...if the received signal corresponds to balance storing operation or "reading the balance storing data stored in the memory block if money is paid (column 12, lines 15-42).

11. In response to applicant's argument for claims 12 and 13 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., not only receiving, but transferring money) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. Regarding claim 26, Applicant asserts that Takami fails to disclose “personal information update information” and “determining whether a received radio signal corresponds to personal information update information.” The Examiner respectfully disagrees, as described above Takami teaches electronic money information related to a customer’s account (column 11, lines 41-59 and column 12, lines 1-5). This electronic money information is a form of personal information because it is specific to each customer. The Examiner would like to remind Applicant that claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim must be given their plain meaning unless applicant has provided clear definition in the specification *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 5, 6, 8, 9, 15, 23-25 and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takami et al. (hereinafter Takami) U.S. Patent 6,536,661 in view of Davis et al. (hereinafter Davis) U.S. Patent 6,105,006.

17. Regarding claims 5, 6 and 8, Applicant contests the motivation to combine the teachings of Takami with the teachings of Davis. Takami teaches the radio receiving block contains a key input unit for inputting a certain key signal; a display unit for displaying a general information or a balance storing information as a character or digit; a control means for decrypting an output signal of the high frequency processing unit, transmitting to the display unit, transmitting to the computation block if the information is the balance storing information or is a balance storing content check key signal from the key input unit, receiving a balance storing content information and displaying the same on the display unit (column 11, lines 41-58). Takami fails to teach a tone signal generator for generating a call sound or an error sound during the balance storing operation by the control means. Davis teaches a financial messaging system over radio frequency in which audio signals are used to signal error messaging during the transaction (column 23, lines 27-38). Therefore it would have been obvious to one of ordinary skill in the

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art at the time of the Applicant's invention to modify the teachings of Takami since both Takami and Davis teach storing electronic money with the use of radio frequency and comparing pertinent encrypted data to complete transactions. There is sufficient motivation to combine references because it provides an efficient manner for communicating messages to users for operations important to a customer and provide common auditory signals for unsuccessful transactions that a customer would be familiar with and easily comprehend.

18. Regarding independent claims 23-25, Applicant states that Davis fails to teach comparing extracted information from radio signals with previous account information and comparing whether the extracted information is coincided with the previously stored certification information when determining the card service stop or release information; and releasing a card service stop when the certification information is coincided. However Davis teaches the completion of the financial transaction through code comparison (column 22, line 21 thru column 23 line, 15).

19. Any remaining claims stand rejected as previously stated in the previous office action mailed 20 May 2004. The Examiner believes all issues have been addressed above and therefore claims 3-33 are rejected and Applicant's request for allowance is respectfully denied.

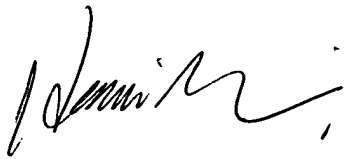
Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
23 September 2004


HANI M. KAZIMI
PRIMARY EXAMINER